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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,952	06/16/2005	Peter Robert Flux	UDL0168PUSA	3770

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EXAMINER	
BRADFORD, CANDACE L	
ART UNIT	**PAPER NUMBER**
3634	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,952	FLUX, PETER ROBERT	
	Examiner	Art Unit	
	CANDACE L. BRADFORD	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a fall arrest device, as best seen in Figures 9 and 10, for use on an elongate support 11, said device comprising a chassis means 14, having safety support retaining means to retain an elongate support whilst 11, allowing movement of the device therealong, and including a sliding element 12, for slidably engaging said elongate support, first and second locking cam means 64,65, for locking the device to the elongate support in a fall arrest situation; first and second link means 72,73, and attaching means for attaching personal safety means 115, to the device and transmitting a load from the personal safety device means 115, to said link means, as best seen in Figure 12, in which said first and second locking cam means comprise respective first and second cam elements, 64,65 each arranged for rotation about a respective first axis relative to the chassis and able to move between a first locking position, as best seen in Figure 10, in which the cam element traps the elongate support between itself and the sliding element and a second released position, as best seen in Figure 9, in which the cam element does not trap the elongate support; the first and

second link means each being connected to a respective one of the first and second cam elements for mutual rotation about a respective second axis separated from said first axis as best seen in Figure 9, the first and second link means being connected together for mutual rotation about a third axis separated from said first and second axes, and the attaching means being able to move relative to the link means as best seen in Figure 12, so that the first and second locking cam means can be moved between their first and second positions by loads applied to the device through the attaching means; in which each of the first and second link means comprises two parts arranged for reversible relative movement in response to an applied load from the attaching means above a predetermined value, the movement being such that a part of the link means intermediate said second and third axes descends relative to said second axis, as best seen in Figures 9 and 10.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 1, in which the cam means, 64, 65 and link means 72, 73 are arranged so that said movement of the two parts of a link will move at least one of said locking cam means towards its first locking position, as best seen in Figure 9.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 1, in which the first and second locking cam means,64,65 are arranged for rotation relative to one another about a common first axis, as best seen in Figure 10.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 3, in which the first and second locking cam means 64, 65 and said common first axis are arranged for rotation about a fourth axis spaced from and parallel to the first, the fourth axis being located nearer than the first axis to the sliding element, as best seen in Figures 9 and 10.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 4, in which the first and second locking cam means 64,65 are arranged for rotation about a boss 66, which is arranged for rotation about the fourth axis, as best seen in Figure 9 and 10.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 1, in which the chassis means 14, includes at least one rotatable element 12, 13 having a peripheral recess.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 6, in which the first and second locking cam means 64, 65 and said common first axis are arranged for rotation about a fourth axis spaced from and parallel to the first, the fourth axis being located nearer than the first axis to the sliding element, and wherein the rotatable element can rotate about the fourth axis, as best seen in Figure 9.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as claimed in claim 1, in which the first and cam elements, 64,65 and first and second link means 72,73 form a quadrilateral linkage, as best seen in Figure 9.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device as in claim 1, in which each link means comprises a first arm 74, arranged for rotation about a respective second axis and a second arm 75, arranged for rotation about said third axis, the first and second arms being connected for mutual rotation about a fifth axis, said reversible relative movement being mutual rotation of the first and second arms about the said fifth axis.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Tupper (4846075). Tupper discloses a device according to claim 4 and further comprising a control means 13, arranged for rotation about said fourth axis, so that the cam elements can be moved into the second, unlocked position by said rotation, as best seen in Figure 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tupper (4846075) and Renton et. al. (6530454). Tupper as advanced above fail to disclose an attaching means including a loop passing around the link means. Renton teaches the utility of a loop means 115 as best seen in Figure 1, in which the attaching means includes a loop passing around the link means so that the attaching means can transmit a load to the device by the loop bearing on a bearing surface of the link means facing

the interior of the quadrilateral linkage. Therefore, it would have been obvious to one of ordinary skill in the art to provide the attachment device of Tupper with a looped attaching means as taught by Renton et al. so as to provide a secure connection device between the support device and the fall arrest device.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tupper (4846075) and Renton et. al. (6530454). Tupper as advanced above fail to disclose an attaching means including a loop passing around the link means. Renton teaches the utility of a loop means 115 as best seen in Figure 1, so that the attaching means can transmit a load to the device by the loop bearing on a bearing surface of the link means facing the interior of the quadrilateral linkage, and wherein the bearing surface of each first arm 74, is concave. The utility of loop passing around a link means is commonly used in the art to provide a secure connection device between the support device and the fall arrest device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the attachment device of Tupper with a looped attaching means as taught by Renton et al. so as to provide a secure connection device between the support device and the fall arrest device.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tupper (4846075) and Renton et. al. (6530454). Tupper as advanced above fail to disclose an attaching means including a loop passing around the link means. Renton teaches the utility of a loop means 115 as best seen in Figure 1, in which the attaching means includes a loop passing around the link means so that the attaching means can transmit a load to the device by the loop bearing on a bearing surface of the link means facing

the interior of the quadrilateral linkage, and wherein the bearing surface of each second arm 75, is concave. Therefore, it would have been obvious to one of ordinary skill in the art to provide the attachment device of Tupper with a looped attaching means as taught by Renton et al. so as to provide a secure connection device between the support device and the fall arrest device.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tupper (4846075) and Renton et. al. (6530454). Tupper as advanced above fail to disclose an attaching means including a loop passing around the link means. Renton teaches the utility of a loop means 115 as best seen in Figure 1, in which the attaching means includes a loop passing around the link means so that the attaching means can transmit a load to the device by the loop bearing on a bearing surface of the link means facing the interior of the quadrilateral linkage, and wherein loads applied to the bearing surfaces of the first arms by the loop will urge at least one of the cam elements towards the first locking position. Therefore, it would have been obvious to one of ordinary skill in the art to provide the attachment device of Tupper with a looped attaching means as taught by Renton et al. so as to provide a secure connection device between the support device and the fall arrest device.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tupper (4846075) and Renton et. al. (6530454). Tupper as advanced above fail to disclose an attaching means including a loop passing around the link means. Renton teaches the utility of a loop means 115 as best seen in Figure 1, further comprising an element limiting the movement of said loop so that it can only bear on the beating surfaces of the

first arms. Therefore, it would have been obvious to one of ordinary skill in the art to provide the attachment device of Tupper with a looped attaching means as taught by Renton et al. so as to provide a secure connection device between the support device and the fall arrest device.

Response to Arguments

Applicant's arguments filed 9/30/08 have been fully considered but they are not persuasive. The applicant's attention is drawn to page 3 of the remarks. The applicant states the prior art of reference does not have a pair of two part links which when a force is applied causes one of the part links to descend relative to the axis that provides connection to the locking cam. As best seen in Figures 9 and 10, when a force is applied to the links 72, 73 it causes the grips 69, 70 to release the cable and allows the device to descend relative to the axis that provide connection thereof, to the locking cams 64,65 as recited in column 10, lines 53-55 and column 13, lines 11-16. The applicant further states the pins 78, 79 move in unison with links 72, 73 therefore no part of the links descend relative to the axis. The examiner would like to note that the links 72, 73 and pins 78, 79 do move in unison, however they move on two different axis, as best seen in Figure 9.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art Unit 3634

Candace L. Bradford
Patent Examiner
Art Unit 3634
January 31, 2009